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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Creation of a Low Power Radio Service	)	MM Docket No. 99-25
	)	
	)	RM-9208
	)	RM-9242
	)	
	)	

Comments of
WUMB-FM, University of Massachusetts Boston

Respectfully Submitted

Patricia A. Monteith
General Manager
August 2, 1999

WUMB-FM is filing comments in opposition to the Federal Communications Commission's proposal to create Low Power FM (LPFM), one or more new classes of service in the existing FM radio band

WUMB-FM is a full-power Class A, 660 Watt Effective Radiated Power (ERP) radio station located five miles south of Boston, in Quincy, Massachusetts. The station is licensed to the University of Massachusetts with studios at its Boston Campus. It has been on the air since 1982 and is the last radio station authorized by the FCC for a new FM license in the greater Boston area.

Attempts to secure an FM radio license in the over-crowded Boston FM market for WUMB began in 1970. During this twelve year period, applications to broadcast on more than five different Educational FM radio frequencies were submitted. Petitions in opposition to our efforts were filed by many existing local and distant stations. In the end, in order to receive an FCC license, WUMB-FM agreed to accept interference from Educational FM Station, WMLN, Milton, Massachusetts and was granted short-spacing waivers to Commercial stations, WPRO-FM, Providence, Rhode Island and WXRV-FM, Haverill, Massachusetts. WUMB-FM was originally licensed for 200 Watts ERP; subsequent applications brought its power to what is considered to be the maximum allowable for Channel 220 in the area given current Regulations.

While we have several concerns with the FCC's new LPFM proposal, the most troubling is the inequity of the relaxed interference protection standards under which these new stations will be able to apply, and the potential for interference to WUMB-FM. It is quite disturbing

to know that new FCC regulations could allow FM frequencies to be granted, which would allow new owners the ability to broadcast with a higher power than we (as an existing licensed station) are allowed to broadcast. The proposed relaxing of second and third adjacent interference regulations would allow this to happen. Since existing stations will not be allowed to apply for these new stations, existing stations should first have an opportunity to increase our signals using these new interference regulations, before any new station is granted. There are currently nearly a dozen existing stations in the greater Boston area with an ERP of less than 1,000 Watts.

Since WUMB-FM broadcasts with a power of only 660 Watts, any new LP1000 station could have a very serious detrimental effect on our facility because these stations will be able to follow new second and third adjacent interference regulations. The Commission predicts that these new 1,000 Watt stations will produce a service area with a radius of about 8.8 miles. Theory is great, reality is another. Given first-hand experience with a 100 Watt station on a second adjacent channel nearly 15 miles away from WUMB's transmitter, we can undoubtedly say that any second or third adjacent 1,000 Watt station 8.8 miles from our current signal radius will result in a loss of service to a significant number of WUMB-FM's listeners. Even the Commission's web page clearly states that this is not the Commission's intent: "THE FCC DOES NOT EXPECT LOW POWER FM STATIONS TO INTERFERE WITH THE SERVICE AREAS OF EXISTING RADIO STATIONS." We respectfully request that the FCC examine the interference issue very carefully and not adopt any action to cause undue interference to WUMB-FM or other existing low-power stations.

Because of existing FCC third adjacent spacing regulations, WUMB-FM cannot broadcast from atop a building on the UMass Boston Campus, but must instead lease an antenna site four miles south of the campus, which is also 4 miles further from the center of Boston. Even so, our signal should be able to cover a large portion of Boston proper. However, broadcasting with low power in an urban area is not an ideal situation. Terrain shielding and tall buildings prevent our signal from adequately penetrating the area, resulting in a significant number of complaints from listeners who can receive our signal in their automobiles, but are unable to receive it in their homes or offices. Front-end overload and intermodulation products from the many downtown, high-power FM stations further degrade the receivability of WUMB-FM in many parts of Boston. LPFM could result in a higher number of complaints to the FCC from people who want to listen to signals they will never be able to receive because of terrain shielding, tall buildings and interference. Such problems will only be exacerbated with new construction in urban areas; WUMB-FM expects a significant number of additional complaints when a proposed new thirty story building in downtown Boston is completed in 2001.

In the Notice of Proposed Rulemaking on LPFM (January 28, 1999), the Commission states that its goals are "to address unmet needs for community-oriented radio broadcasting, foster opportunities for new radio broadcast ownership, and promote additional diversity in radio voices and program services." It is speculation that LPFM, as proposed, will accomplish these goals. Since the FCC does not regulate programming there is no guarantee that additional new stations, now or in the future, will serve the unmet needs of their local communities, especially

since local residency will not be a requirement. It is a fact that several of the current greater Boston area lower-power, educationally-owned, student-run radio stations are primarily playing the same rock music formats heard on local major commercial radio stations, with not much more than public service announcements about campus events airing as public interest programming. Would adding more of these stations meet the Commission's goals of "addressing unmet needs?" Past court decisions do not allow the FCC to set aside licenses for women or minorities; are there any regulations which can be put in place to guarantee additional diversity in radio voices and program services?

In a Boston Globe article on August 1, 1999, it was noted that "WUMB-FM represents something unique on the dial...there is no other station like it in the U.S." The station was recognized as "America's only full-time folk station." However, in spite of a certifiable public outcry to bring the station's unique programming to other parts of Massachusetts and other parts of the country, the station will not be able to apply for an LPFM license. Wouldn't such programming serve the unmet needs of other communities? If we can prove the public wants us, why should we be prevented from applying for one of these new licenses?

The Commission has also asked for comment on the ability of LPFM stations to generate revenue from advertising or underwriting, and whether the population in these service areas could sustain an advertising base. WUMB-FM has an Arbitron-rated audience of 54,500 listeners/week. The station doggedly requests listener contributions, accepts underwriting from corporate sponsors, and receives grants from the Corporation for Public Broadcasting and the

Massachusetts Cultural Council. Our licensee, the University of Massachusetts, makes a sizeable contribution. Yet, because of the high cost of operating a radio station, especially in an urban area where rent and other basic operating costs are high, the station met budget this past fiscal year by only $160. WUMB's "close call" in meeting budget this past year is, unfortunately, not unique. Anyone who has worked in radio for any length of time knows that unless a station is one of the top ten rated stations in the market, radio is hardly lucrative. New, low-powered stations will have little likelihood of reaching and sustaining a sizeable audience and will therefore have a dubious future.